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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

GERARDO GABAYAN, ELVA
GABAYAN,

Plaintiffs,

vs.

DUPONT RESIDENTIAL CARE,
INC.; JACQUELINE DUPONT,

Defendants.

CASE NO. **SACV 11-00865 DOC (MLGx)**

COMPLAINT FOR DAMAGES:

- 1) **FAILURE TO PAY
MINIMUM WAGE AND
OVERTIME
COMPENSATION
(Fair Labor Standards Act);**
- 2) **FAILURE TO PAY
OVERTIME
COMPENSATION, AND
RELATED RELIEF
(Including California Labor
Code Section 1194).**
- 3) **UNFAIR COMPETITION
(Business and Professional
Code Section 17200).**

Plaintiffs GERARDO GABAYAN and ELVA GABAYAN allege as follows:

///

JURISDICTION & VENUE

1. This action involves claims brought under the Fair Labor Standard Act (“FLSA”), which present a federal question (see generally 29 USCA, Section 216 (b)) over which this court has original jurisdiction under 28 USCA Section 1131. This court is permitted, at its discretion, to adjudicate the state claims alleged. (28 USCA Section 1367).

2. A defendant resides within the Central District of California, Plaintiffs are informed and believe. Venue is proper under 28 USCA Section 1391.

THE PARTIES

3. Defendant DUPONT RESIDENTIAL CARE, INC. is, Plaintiffs are informed and believe, a California corporation, with its principal place of business in Orange County, California, and was a joint employer of Plaintiffs.

4. Defendant JACQUELINE DUPONT (utilizing that name, or various aliases, including, but not limited to, Jacqueline Baum; Jacqueline Dupont- Baum; Jacqueline Lehn; and “Jackie” Dupont), is an individual who has financial and/or operational control over any entity defendants, or who has authority to act for them in relation to the work of Plaintiffs; or is one who exercised control over the wages, hours or working conditions of Plaintiffs, or suffered or permitted Plaintiffs to work, or engaged Plaintiffs; or who has or had at all relevant times an interest in fact or law in each of the facility operations, and was a joint employer of Plaintiff.

5. Defendants operate business entities, including defendant DUPONT RESIDENTIAL CARE, INC., all of which are jointly liable to Plaintiff. The operations of defendants utilize a variety of legal (or fictitious) names and aliases (all of which are referred to collectively as the “facility” or “facilities”). Such names used by defendants for the facilities may include, but not be limited to: Irvine Cottage III; Irvine Cottage IV; Irvine Cottage V; Irvine Cottage VI; Irvine Cottage # 8; Irvine Cottage No. 9; Irvine Cottage # 10; Irvine Cottage No. 11; Irvine Cottage; Doctor’s House Calling Inhome Care; Ionspec Corporation; and Irvine Cottage -

1 M.V. As such facilities are not completely disassociated from one another, the
 2 facilities operated by defendants are a common, or joint enterprise, constituting a
 3 single integrated business entity.

4 **PRELIMINARY ALLEGATIONS**

5 6. Said facilities of defendants are licensed and regulated by the State of
 6 California, and pursuant thereto, hire labor (commonly called "caregivers") for the
 7 purpose of caring for the sick, the aged, the mentally ill or defective, which sick,
 8 aged, mentally ill or defective persons reside on the premises of such facilities.

9 7. Plaintiffs were caregivers at the facilities of defendants, and thus were
 10 employees of all defendants.

11 8. Plaintiffs are informed and believe and thereupon allege that there
 12 exists, and at all times relevant to this complaint there existed a unity of interest and
 13 ownership between any corporate defendants and non-corporate defendants such that
 14 any individuality and separateness between said defendants has ceased. Plaintiffs are
 15 further informed and believe, and thereupon allege that if the acts of the defendant
 16 entities are treated as those of the entity alone, an inequitable result would follow.
 17 As to any defendants which are corporate or entity defendants, it is fair and equitable
 18 to permit piercing the corporate veil.

19 9. In addition, the actions of defendants, and each of them, in failing to pay
 20 Plaintiffs the wages owed, as alleged herein, is the result of an intentional and
 21 deliberate scheme, designed to deprive and defraud Plaintiffs of their overtime and
 22 minimum wages earned. Said actions by defendants, and each of them, constitute
 23 willful and malicious injury to Plaintiffs.

24 **FIRST CAUSE OF ACTION**

25 **FOR FAILURE TO PAY MINIMUM WAGE AND OVERTIME,**

26 **AND WAGE AND HOUR VIOLATIONS**

27 **(FAIR LABOR STANDARDS ACT)**

28 **(PLAINTIFFS AGAINST ALL DEFENDANTS)**

1 10. Plaintiffs re-allege and incorporate herein by this reference each of the
2 preceding paragraphs.

3 11. All of said defendants fall within the coverage of the FLSA as they are
4 engaged in the operation of institutions (here, the facilities) which primarily care for
5 either the sick, the aged, the mentally ill or defective, which sick, aged, mentally ill
6 or defective persons reside on the premises of such facilities.

7 12. Beginning approximately on September 28, 2007, and continuing to
8 about May 18, 2011, Plaintiff Gerardo Gabayan rendered caregiver services for the
9 benefit of defendants, and each of them. Beginning approximately on October 1,
10 2007, and continuing to around January 24, 2011, Plaintiff Elva Gabayan rendered
11 caregiver services for the benefit of defendants, and each of them.

12 13. Pursuant to the provisions of the FLSA, Plaintiffs had the right to be
13 paid minimum wage for every hour of labor, plus the right to be paid one and a half
14 times their regular hourly rate for all hours worked in excess of 40 during a week.

15 14. During their employment, defendants required and permitted Plaintiffs
16 to work hours in excess of 40 per week. Plaintiffs were not properly compensated by
17 defendants for all "hours worked" in that Plaintiffs were not paid the minimum wage
18 for the first 40 hours of work each week, nor were they paid at required "premium
19 rates" for all hours worked in excess of 40.

20 15. Pursuant to Section 216 of the FLSA, Plaintiffs are entitled to recover
21 the full amount of unpaid minimum wage and overtime compensation owing in an
22 amount estimated to exceed \$110,000.00, each, for a total of \$220,000.00, and
23 subject to more precise proof at the time of trial.

24 16. In addition, because defendants violated Sections 206 and 207 of the
25 FLSA, pursuant to Section 216 of same, Plaintiffs are entitled to a doubling of the
26 full amount of unpaid minimum wage and overtime compensation in an additional
27 amount of \$110,000.00, each, for a total of \$220,000.00 additional, for a total
28 doubled amount for all Plaintiffs of \$440,000.00, and subject to more precise proof

1 at the time of trial.

2 17. In addition, Plaintiffs are entitled to reasonable attorney's fees in an
3 amount to be proved according to law. In addition, Plaintiffs are entitled to
4 prejudgment interest and costs of suit.

5 **SECOND CAUSE OF ACTION**
6 **(FOR WAGE AND HOUR VIOLATIONS, INCLUDING CALIFORNIA**
7 **LABOR CODE SECTION 1194)**
8 **(PLAINTIFFS AGAINST ALL DEFENDANTS)**

9 18. Plaintiffs re-allege and incorporate herein by this reference each of the
10 preceding paragraphs.

11 19. Pursuant to the provisions of the California Labor Code, including
12 *Labor Code* Sections 510 and 1194, and regulations adopted by the California
13 Department of Industrial Relations, Plaintiffs had the right to be paid properly for
14 every hour of labor.

15 20. In violation of such laws and regulations, defendants, and each of them
16 failed to pay Plaintiffs overtime owed, in an amount believed to exceed \$250,000.00,
17 each Plaintiff, for a total amount owed, by defendants and each of them, for all
18 Plaintiffs of in excess of \$500,000.00, an more precisely according to proof.

19 21. In addition, Plaintiffs are entitled to those recoveries allowed by law as
20 follows:

21 (A) Pursuant to *Labor Code* Section 203, Plaintiffs were entitled to
22 receive at the termination of their employment all accrued but
23 unpaid wages for all hours labored, including overtime
24 compensation. Because defendants, and each of them failed to
25 pay such wages, Plaintiffs are entitled to continuing wages set
26 forth in *Labor Code* Section 203 in an amount estimated to be in
27 excess of \$1,920.00 each.

28 (B) Defendants, and each of them, were obligated under *Labor Code*

Section 226 and regulations of the Industrial Welfare Commission of the State of California, to keep accurate records of Plaintiffs' hours of labor, and to prepare and submit to Plaintiffs at least twice per month an itemized statement accurately showing the total hours worked by Plaintiffs. Defendants, and each of them, failed to keep accurate records of Plaintiffs' hours of labor, and further failed to timely provide accurate itemized wage statements as required by such statute. Accordingly, Plaintiffs are entitled to damages pursuant to *Labor Code* Section 226, in a maximum amount of \$4,000.00 each.

22. In addition, Plaintiffs are entitled to interest on unpaid amounts owing in an amount to be proved at trial. Further, Plaintiffs are entitled to reasonable attorney's fees, which are hereby specifically demanded, in an amount to be proved according to law.

23. In addition, Plaintiffs are entitled to costs of suit.

THIRD CAUSE OF ACTION

(FOR RESTITUTION UNDER BUSINESS AND PROFESSIONS

CODE SECTION 17200; LABOR CODE SECTION 226; AND

RELATED SECTIONS PLAINTIFFS AGAINST ALL DEFENDANTS)

24. Plaintiffs re-allege and incorporate herein by this reference each of the preceding paragraphs.

25. Under California *Business and Professions Code*, §§ 17200, et seq., Defendants, and each of them, are obligated to refrain from engaging in unfair business practices. Further, under a group of laws now commonly referred to as the "Unfair Competition Laws," Defendants, and each of them, are obligated to comply with the law, and avoid improper, illegal, and unethical activity which would constitute a violation of the Unfair Competition Laws which directly harmed Plaintiffs.

1 26. Defendants, and each of them, on multiple occasions, and in multiple
2 instances, engaged in such conduct prohibited by the Unfair Competition Laws, and
3 engaged in a course of illegal business practices including, Plaintiffs are informed
4 and believe, but not limited to, the following:

- 5 (a) By failing to pay Plaintiffs overtime and minimum wages which
6 Defendants knew, or should have known, to be due and owing;
- 7 (b) By improperly calculating, and therefore not providing to
8 Plaintiffs, wages for overtime and minimum wages owed;
- 9 (c) By not keeping accurate time records required by law, including
10 in violation of *Labor Code* Section 226, for Plaintiffs;
- 11 (d) By failing to provide accurately all of the information legally
12 required on what are commonly referred to as "pay stubs" to
13 Plaintiffs, as mandated by *Labor Code* Section 226;
- 14 (e) By converting funds to their own use which were Plaintiffs'
15 wages.

16 27. Plaintiffs request relief for said violations, including entry by this
17 Court of an injunction, requiring Defendants, and each of them, to:

- 18 a) Provide full, complete, and accurate pay stubs required by law;
- 19 b) Hold in trust all amounts received by Defendants, and each of
20 them, which should have been paid to Plaintiffs for their overtime
21 wage earned.

22 28. Defendants, and each of them, pursuant to such unlawful, unfair and
23 deceptive practices, have enriched themselves at the expense of innocent victims,
24 including, but not limited to, Plaintiffs, and have gained an unfair advantage over
25 law-abiding employers. Defendants, and each of them, should therefore be ordered
26 to restore to the Plaintiffs those amounts they are entitled to receive. Said amounts
27 include, but are not limited to, all overtime and minimum wage compensation not
28 captured under any other law, all amounts outside of the statute of limitation of the

1 statutory (federal or state) claims, and amounts not otherwise awarded for any
2 reason, all in those amounts proved at trial.

3 **PRAYER**

4 WHEREFORE, Plaintiffs pray judgment be entered in their favor and against
5 Defendants, and each of them as follows:

- 6 1. For all damages permitted under the FLSA for Plaintiff
7 GERARDO GABAYAN, including unpaid minimum wage and
8 overtime of at least \$110,000.00, doubled to \$220,000.00, and
9 more precisely according to proof at trial;
- 10 2. For all damages permitted under the FLSA for Plaintiff ELVA
11 GABAYAN, including unpaid minimum wage and overtime of at
12 least \$110,000.00, doubled to \$220,000.00, and more precisely
13 according to proof at trial;
- 14 3. For unpaid overtime compensation under California law for
15 Plaintiff GERARDO GABAYAN in the approximate amount of
16 \$250,000.00, and subject to more precise proof at the time of
17 trial;
- 18 4. For unpaid overtime compensation under California law for
19 Plaintiff ELVA GABAYAN in the approximate amount of
20 \$250,000.00, and subject to more precise proof at the time of
21 trial;
- 22 5. For continuing wages pursuant to *Labor Code* Section 203 in an
23 amount of at least \$1,920.00, each Plaintiff, and more precisely
24 according to proof;
- 25 6. For damages pursuant to *Labor Code* Section 226 in an amount of
26 a maximum of \$4,000.00, each Plaintiff, and more precisely
27 according to proof;
- 28 7. For prejudgment interest according to law, believed to be over

1 \$75,000.00;

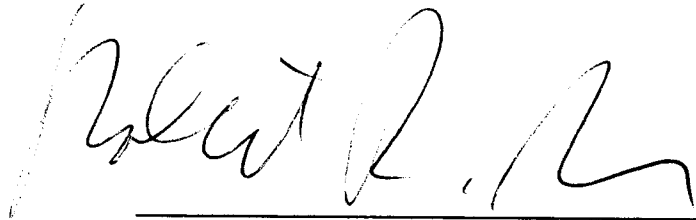
2 8. For equitable relief, and restitution, for each Plaintiff, according
3 to proof;

4 9. For costs of suit, and for attorney's fees as provided by law, and;

5 10. For such other and further relief as the Court may deem
6 appropriate.

7
8 Respectfully Submitted:

9 **LAW OFFICES OF ROBERT R. RONNE, APC**

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14 BY: ROBERT R. RONNE,
15 Attorney for Plaintiffs
16 Gerardo Gabayan and
17 Elva Gabayan.
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge David O. Carter and the assigned discovery Magistrate Judge is Marc Goldman.

The case number on all documents filed with the Court should read as follows:

SACV11- 865 DOC (MLGx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☒ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

ROBERT R. RONNE
 LAW OFFICES OF ROBERT R. RONNE, APC
 840 Apollo Street, Suite 307
 El Segundo, California 90245

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

GERARDO GABAYAN, ELVA GABAYAN,

PLAINTIFF(S)

v.

DUPONT RESIDENTIAL CARE, INC.;
 JACQUELINE DUPONT,

DEFENDANT(S).

CASE NUMBER

SACV 11-00865 DOC (MLGx)**SUMMONS**TO: DEFENDANT(S): DUPONT RESIDENTIAL CARE, INC.; JACQUELINE DUPONT

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Robert R. Ronne, whose address is 840 Apollo Street, Suite 307, El Segundo, California 90245. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

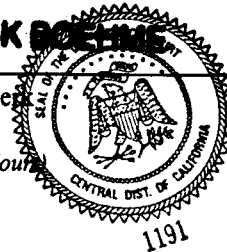
Dated: JUN - 9

By: _____

NANCY K BOETTKE

Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) GERARDO GABAYAN, ELVA GABAYAN,		DEFENDANTS DUPONT RESIDENTIAL CARE, INC.; JACQUELINE DUPONT,	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) ROBERT R. RONNE (310) 322-1696 LAW OFFICES OF ROBERT R. RONNE, APC 840 Apollo Street, Suite 307, El Segundo, California 90245		Attorneys (If Known)	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ 440,000.00

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
29 USCA Section 216, minimum wage and overtime under Fair Labor Standard Act.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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SACV 11-00865 DOC (MLGx)

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
ORANGE COUNTY	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
ORANGE COUNTY	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
ORANGE COUNTY	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): Robert [Signature] Date June 8, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))